



AF71634

#8/c (CD)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gerhard BIENHAUS

Attorney Docket No: 101614-00001

Serial Number: 09/558,038

Group Art Unit: 1634

Filed: April 26, 2000

Examiner: Arun K Chakrabarti

For: SYSTEM FOR RELEASING AND ISOLATING NUCLEIC ACIDS

**RESPONSE TO FINAL REJECTION UNDER 37 C.F.R. § 1.116**  
**UNDER EXPEDITED PROCEDURE**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

*Do not enter*  
*Arun K. Chakrabarti*  
*1/16/03*

In Response to the Office Action dated September 16, 2002, please amend the above-identified application as follows:

**IN THE CLAIMS:**

Please amend claims 13 and 34 as follows. A marked-up copy of the amendments is attached hereto.

13. (Twice Amended) A method of isolating nucleic acids from biological compartments of a fluid sample comprising the steps of:

incubating the sample in a sample processing vessel with magnetic particles which magnetic particles are capable of binding with the biological compartments;

positioning at least one magnet towards the sample processing vessel to hold the magnetic particles against an inside wall of the sample processing vessel by magnetic force;

removing the remaining fluid, from which the biological compartments have been separated, from the sample processing vessel;